

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In re EFFEXOR XR ANTITRUST
LITIGATION

Civ. No. 11-5479 (ZNQ)(JBD)

**FOURTH AMENDED
SCHEDULING ORDER**

This matter having come before the Court by way of the parties' September 11, 2024 joint letter [Dkt. 759]; and the Court having held an in-person conference on September 18, 2024; and the Court having set certain deadlines with the participation of counsel for plaintiffs and defendants Teva Pharmaceuticals Industries, Ltd. and Teva Pharmaceuticals USA, Inc. ("Teva"); and for good cause shown,

IT IS on this 19th day of September, 2024,

ORDERED that the stay of proceedings previously entered in this litigation is lifted; and it is further

ORDERED that plenary fact discovery shall proceed forthwith and shall remain open through **April 18, 2025**. No discovery shall be issued or engaged in beyond that date, except upon application and for good cause shown; and it is further

ORDERED that plaintiffs shall serve all opening expert reports no later than **May 15, 2025**; and it is further

ORDERED that plaintiffs shall file any motions for class certification no later than **May 22, 2025**; and it is further

ORDERED that Teva shall serve any opposition expert reports no later than **July 17, 2025**; and it is further

ORDERED that Teva shall file any briefs in opposition to class certification, and any *Daubert* motions relating to class certification, no later than **July 24, 2025**; and it is further

ORDERED that plaintiffs shall serve any rebuttal expert reports, only as necessary and appropriate, no later than **September 18, 2025**; and it is further

ORDERED that plaintiffs shall file any reply briefs in further support of class certification, and opposition briefs to any *Daubert* motions relating to class certification, no later than **September 25, 2025**; and it is further

ORDERED that Teva shall file any reply briefs in further support of any *Daubert* motions relating to class certification no later than **November 17, 2025**; and it is further

ORDERED that the parties shall complete all expert discovery by **November 17, 2025**; and it is further

ORDERED that the Court has scheduled an in-person hearing regarding class certification for **January 13-14, 2026** in Courtroom 4W, Clarkson S. Fisher Federal Building & U.S. Courthouse, Trenton, New Jersey; and it is further

ORDERED that Rule 56 and merits-related *Daubert* motions shall be filed **60 days after the Court rules on class certification**; and it is further

ORDERED that any oppositions to Rule 56 and merits-related *Daubert* motions shall be filed no later than **120 days after the Court rules on class certification**; and it is further

ORDERED that any reply briefs in further support of Rule 56 and merits-related *Daubert* motions shall be filed no later than **150 days after the Court rules on class certification**; and it is further

ORDERED that the Court will hold a telephone status conference before the undersigned on **December 18, 2024 at 1:30 p.m.** No later than **December 13, 2024**, the parties shall file a joint status letter via CM/ECF, not to exceed three (3) pages, that summarizes the status of discovery and identifies any issues ripe for discussion with the Court. The Court will circulate dial-in information in advance of the conference to all parties; and it is further

ORDERED that counsel shall confer in good faith in an attempt to resolve any discovery or case management disputes before raising them with the Court. Any such dispute shall be brought to the Court's attention pursuant to paragraph 5 of the Court's Civil Case Management Order, available at (<https://www.njd.uscourts.gov/content/j-brendan-day>). **No discovery motion or motion for leave to amend will be entertained absent leave of Court and counsel's full compliance with L. Civ. R. 37.1(a)(1); see also L. Civ. R. 16.1(f);** and it is further

ORDERED that dates for the final pretrial conference and trial will be set at a later date; and it is further

ORDERED that since all dates set forth herein are established with the assistance and knowledge of the parties, there will be no extensions except for good cause shown and by leave of Court, even with consent of all parties; and it is further

ORDERED that the Court may, from time to time, schedule conferences as may be required, either on its own motion or at the request of counsel; and it is further

ORDERED that failure to appear at subsequent conferences, or to comply with this Order or any subsequent order of the Court, may result in the imposition of sanctions.



J. BRENDAN DAY
UNITED STATES MAGISTRATE JUDGE